

CLERKS OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
5/5/2021

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

JULIA C. DUDLEY, CLERK
BY: s/ CARMEN AMOS
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

TIMOTHY DARRELL PENICK

:
:
:
:
:
:
:

Criminal No. 6:21CR00006-001

AGREED STATEMENT OF FACTS

Beginning in or before 2011, TIMOTHY DARRELL PENICK, a resident of Forest, Virginia, served as the owner and operator of Lighthouse Properties of Virginia Inc. (LHP). LHP was a real estate management company offering individualized attention to property owners, renters, homeowners associations, and home buyers/sellers. LHP's office was located in Campbell County, Virginia which is in the Western District of Virginia.

A. The Scheme to Defraud

Beginning no later than June 2018, PENICK devised a scheme and artifice to defraud multiple LHP clients. As part of this scheme, PENICK obtained authorization from the client to directly access client bank accounts. No one else at LHP other than PENICK had the ability to access client bank accounts. PENICK would then transfer funds from client bank account to other bank account in LHP's name. PENICK was the only authorized owner and signer on these LHP accounts. PENICK would then use these funds for purposes that were not authorized by the client, nor for the benefit of the client. PENICK misused funds from multiple LHP clients in connection with this scheme.

To conceal the misuse of client funds, PENICK created fraudulent bank account statements that omitted transactions from the client account into the LHP account. These fraudulent bank statements, therefore, also reflected a balance greater than the amount of funds actually in the client's account. PENICK would provide these fraudulent bank statements to other LHP employees, including accounting personnel. LHP personnel used these fraudulent bank statements to create financial packets that were provided to clients and client representatives.

B. Facts Specific to Count 1

In or about June 2019, LHP entered into a management agreement with victim Heritage Condominium Owner's Association Inc. (HCOA), which authorized LHP to conduct financial and bookkeeping services as well as general management services on behalf of HCOA. These services included collection of fees, payments of association obligations, financial reports, deposits and

accounts, budget preparation, capital reserve replacement studies, facilities management, insurance, ordering, administration, and association support.

Prior to HCOA signing the management agreement with LHP, all association funds were held in a BB&T bank account. On or about June 7, 2019, PENICK opened an Atlantic Union checking account ending in -1143. The account title was "Heritage Condominium Owners Association." PENICK was the only authorized signer on the account. On or about October 10, 2019, PENICK instructed a LHP employee to zero out the BB&T account ending in -7206. A cashier's check was issued in the amount of \$123,787.26, made payable to HCOA. The LHP employee handed the check over to PENICK who deposited the check into the HCOA Atlantic Union Bank account ending in -1143. This deposit caused an interstate wire to be transmitted. The deposit of \$123,787.26 posted in the Atlantic Union Bank account on October 10, 2019.

Between October 11, 2019, and November 13, 2019, without the knowledge or approval of the HCOA, PENICK regularly electronically transferred funds from the HCOA Atlantic Union account ending in -1143 into the LHP Atlantic Union account ending in -6217. PENICK used these funds for purposes that were not authorized by HCOA, nor for the benefit of HCOA.

On or before November 14, 2019, PENICK created a fraudulent Atlantic Union Bank statement for account -1143 that failed to account for the above-referenced withdrawals from HCOA's account into the LHP account and, therefore, reflected an inaccurate balance. On or about November 14, 2019, PENICK provided this fraudulent bank statement to another LHP employee for the purpose of providing the false information to HCOA.

Seen and Agreed:

Date: May 5, 2021




Michael A. Baudinet
Assistant United States Attorney

I have reviewed the above Agreed Statement of Facts with my attorney and I agree that it is true and accurate.

Date: May 5, 2021



Timothy D. Penick


Patrick J. Kenney, Esq.
Attorney for Defendant